

1 **Rule 14-719. Qualifications for admission of House Counsel Applicants.**

2 (a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit her or his
3 practice of law including legal representation to the business of her or his employer. However,
4 House Counsel can provide pro bono legal services under the auspices of an approved
5 sponsoring entity consistent with Rule 14-803 of the Utah Rules of Lawyer Discipline and
6 Disability. House Counsel shall not:

7 (1) Appear before a court of record or not of record as an attorney or counselor in the
8 State of Utah except as otherwise authorized by law or rule; or

9 (2) Offer legal services or advice to the public or hold herself or himself out as being so
10 engaged or authorized. An attorney granted a House Counsel license is not prevented
11 from appearing in any matter pro se, performing pro bono services under Rule 14-803, or
12 from fulfilling the duties of a member of the active or reserve components of the armed
13 forces or the National Guard.

14 (b) Requirements of House Counsel Applicants. To be recommended for admission to the Bar as
15 House Counsel, a person must establish by clear and convincing evidence that she or he:

16 (1) has filed a Complete Application for admission and paid the prescribed application
17 fee;

18 (2) is at least 21 years old;

19 (3) graduated with a First Professional Degree in law from an Approved Law School, or
20 from an Unapproved Law School located within a U.S. state, territory or the District of
21 Columbia;

22 (4) is licensed to practice law and in active status in a U.S. state, territory or the District
23 of Columbia;

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~~(5) either (A) is a bona fide resident of the State of Utah or (B) maintains an office as the employer's house counsel within the State of Utah;~~

~~(6)~~ is employed and practices law exclusively as house counsel for a non-governmental corporation, its subsidiaries or affiliates, an association, a business, or other legal entity whose lawful business consists of activities other than the practice of law or the provision of legal services;

(6) is either (A) a bona fide resident of the State of Utah or (B) house counsel for an employer located in Utah;

(7) has provided an affidavit signed by both the Applicant and the employer that the Applicant is employed exclusively as house counsel and that Applicant has disclosed to the employer the limitations on House Counsel's license of practicing under this rule;

(8) is of good moral character and satisfies the requirements of Rule 14-708;

(9) has presented satisfactory proof both of admission to the practice of law and that she or he is a member in good standing in all jurisdictions where currently admitted;

(10) has a proven record of ethical, civil and professional behavior and has never been disbarred or resigned with discipline pending, or their equivalent, in any jurisdiction, and is not currently subject to lawyer discipline or the subject of a pending disciplinary matter;

(11) has received a passing MPRE score; and

(12) has complied with the oath and enrollment provisions of Rule 14-716 and paid the licensing fees required for active status.

46 (c) Timing of application and admission. An application under this rule may be filed at any time
47 but the Applicant must be able to demonstrate that she or he satisfies the requirements of this
48 rule as of the date the application is filed.

49 (1) The processing of the application and the character and fitness investigation require a
50 minimum of four months to complete.

51 (2) Upon approval the Applicant must comply with the provisions of Rule 14-716
52 concerning licensing and enrollment fees.

53 (3) A person licensed as House Counsel shall pay annual license fees which shall be
54 equal to the fees required to be paid by a member of the Bar on Active status.

55 (d) Unauthorized practice of law.

56 (1) It is the unauthorized practice of law for an attorney not licensed in Utah to practice
57 law in the state except as otherwise provided by law.

58 (2) An attorney who complies with the requirements of subsection (b)(1) may provide
59 services to an employer in Utah while the application is pending as long as the
60 application is filed within six months of the out-of-state attorney accepting a house
61 counsel position.

62 (3) An attorney who provides legal advice to her or his employer but is not an active
63 member of the Bar or licensed as House Counsel pursuant to this rule may be referred for
64 investigation for the unauthorized practice of law.

65 (e) Continuing legal education requirement. House Counsel shall pay the designated filing fee
66 and file with the MCLE Board by July 31 of each year a Certificate of Compliance from the
67 jurisdiction where House Counsel maintains an active license establishing that she or he has

68 completed the hours of continuing legal education required of active attorneys in the jurisdiction
69 where House Counsel is licensed.

70 (f) Subject to disciplinary proceedings. A person licensed as House Counsel shall be subject to
71 professional discipline in the same manner and to the same extent as members of the Bar and
72 specifically shall be subject to discipline by the Supreme Court as delegated by rule and shall
73 otherwise be governed by Chapter 13, the Rules of Professional Conduct, Chapter 14 Article 5,
74 Lawyer Discipline and Disability, Article 6, Standards for Imposing Lawyer Sanctions, and other
75 applicable rules adopted by the Supreme Court, and all applicable statutory provisions.

76 (g) Notification of change in standing.

77 (1) House Counsel shall execute and file with the Licensing Office a written notice of any
78 change in that person's membership status, good standing or authorization to practice law
79 in any jurisdiction where licensed.

80 (2) House Counsel shall execute and file with the OPC a written notice of the
81 commencement of all formal disciplinary proceedings and of all final disciplinary actions
82 taken in any other jurisdiction.

83 (h) No Solicitation. House Counsel is not authorized by anything in this rule to hold out to the
84 public or otherwise solicit, advertise, or represent that he or she is available to assist in
85 representing the public in legal matters in Utah.

86 (i) Cessation of activity as house counsel. A House Counsel license terminates and the House
87 Counsel shall immediately cease performing all services under this rule and shall cease holding
88 herself or himself out as House Counsel upon:

89 (1) termination of employment with the qualified employer as provided in subsection
90 (b)(6);

91 (i)(2) termination of residence, or the maintenance of his or her office in the State of Utah as
92 provided in subsection (b)(5);

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94 (i)(3) failure to maintain active status in a sister state or United States territory or the District of
95 Columbia, or to satisfy the Bar's annual licensing requirements, including compliance with
96 mandatory continuing legal education requirements as provided for in this rule;

97 (i)(4) completion of any disciplinary proceeding in Utah or any other jurisdiction, which
98 warrants suspension or termination of the House Counsel license.

99 (j) Reinstatement after temporary lapse in license. An attorney whose House Counsel license is
100 terminated pursuant to subsection (i)(1), (i)(2), or (i)(3) shall be reinstated to practice law as a
101 House Counsel if within six months from the termination the attorney is able to demonstrate to
102 the ~~Admissions Office~~Bar that she or he has:

103 (j)(1) transferred to inactive status in accordance with subsection (k); or

104 (j)(2) employment with a qualified employer and has provided the required verification of
105 employment pursuant to subsection (b)(7);

106 (j)(3) established a residence or maintains an office for the practice of law as House Counsel for
107 the employer within the State of Utah; and

108 (j)(4) active status in a U.S. state, territory or the District of Columbia and has complied with the
109 Bar's annual licensing and MCLE requirements for House Counsel.

110 (k) Inactive status. House Counsel who is not currently practicing may transfer to inactive status
111 under Rule 14-203(a)(4). Doing so will prevent the lapse of the license as long as the inactive
112 status is maintained.

113 (k)(1) Inactive House Counsel may return to active status upon demonstration of compliance
114 with requirements (j)(1) through (j)(4) and payment of the necessary fees in accordance with
115 Rule 14-203(b).

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117 (l) Notice of change of employment. House Counsel shall notify, in writing, the Licensing Office
118 of the termination of the employment pursuant to which the House Counsel license was issued.

119 (m) Full admission to the Utah State Bar. A House Counsel license will be terminated
120 automatically once the attorney has been otherwise admitted to the practice of law in Utah as an
121 active member of the Bar. Any person who has been issued a House Counsel license may qualify
122 for full membership by establishing by clear and convincing evidence that she or he:

123 (m)(1) has applied as an Attorney Applicant or Motion Applicant by filing a Complete

124 Application; any application must be filed in accordance with the filing deadlines set forth in
125 Rule 14-707(b);

126 (m)(2) has successfully passed the Bar Examination under Rule 14-704, has transferred a passing
127 UBE score under Rule 14-712, or qualifies for admission under Rule 14-705~~55. Time spent in~~
128 ~~Utah practicing as House Counsel or performing pro bono services does not qualify an attorney~~
129 ~~for admission under Rule 14-705~~; and

130 (m)(3) has complied with the provisions of Rule 14-716 concerning licensing and enrollment
131 fees.

132 *Effective Date November 12, 2020.*